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SPEECH

OF THE

HON. HENRY MAY, OF MARYLAND,

ON THE

BILL TO INDEMNIFY EXECUTIVE TYRANNY,

AND TO CONTINUE IT BY

SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS,

Delivered in the House of Representatives, on the 18th of February, 1863.

MR. SPEAKER,—I do not propose so much to discuss the merits of this bill, as I do to illustrate its evils. I do not mean so much to oppose it, as I do to show its disastrous effects. I know, sir, that the bill which passed this body, and has been returned from the Senate with amendments, will in one of its forms ultimately meet an overwhelming support, and it is therefore in vain for any one to urge objections in the hope of defeating it. There may be a choice proper to be declared now between the two evils; that presented by the bill adopted by the House, and the amendment adopted by the Senate. They are very different in their plan and provisions, but they are designed to accomplish the same thing.

The bill passed by this House is a measure that boldly and quickly takes up the very foundations of our system of Government. The scheme which has met the approbation of the Senate proposes by a delusive and intricate method to accomplish the same end. The one is an open and absolute adoption of tyranny, justifying and discharging it from all accountability for its inflictions; the other turns the sufferer over to the courts, and deceiving him, by the hopes of redress, frustrates them all by its artful and arbitrary provisions.

I find, sir, an insurmountable objection at the threshold of inquiry. In my opinion the Constitution confers upon Congress alone the power to suspend the privilege of the writ of *habeas corpus*, and only where, invasion or rebellion exists, and *nowhere* else, and this is a power that cannot for a moment be delegated. The legislative power only can determine when the public safety requires this privilege to be suspended; when, where, how long, and with respect to whom such suspension may be applied. Sir, it is the highest exercise of sovereign power, since the liberty of the citizen is the corner-stone of our system of Government. It was never designed by the founders of our Re-

public that this transcendent and so tremendous a power over the fundamental rights of personal liberty and personal security should be exercised for an instant of time by the mere will and discretion of any one man, be he President or not. The genius of our Government forbids it. Its history and precedents, and the opinions of its founders and Statesmen and jurists, all forbid it.

The bill provides:

That during the existence of this rebellion the President shall be, and is hereby, invested with authority to declare the suspension of the privilege of the writ of *habeas corpus*, at such times and in such places, and with regard to such persons as, in his judgment, the public safety may require.

This, sir, in my opinion, erects and commissions despotic power all over the United States.

The House bill is a pure unmitigated product of ideas of republican liberty as manifested by the dominant party of this House. The Senate's amendments claim to draw a sanction from a Democratic precedent. The provisions of the amendment adopted by the Senate, and which is, indeed, a substitute for the original bill, look to the example of the celebrated force bill of 1833 to justify it. But, sir, the provisions of the Senate amendment go infinitely beyond the principle asserted by that law.

The force bill adopted in General Jackson's day proposed simply a transfer of jurisdiction from the State to the Federal courts in revenue cases only; in actions brought for some alleged wrong committed in the execution of the revenue laws. The law of 1833 limited the exercise of the right of transferring the case to the period before trial, and there it ceased.

But here, sir, is a proceeding which gives the right to remove a suit in all that comprehensive class of cases brought to redress wrongs committed "under color of any authority derived from or exercised by or under the President of the United States," both before trial, and also after judgment. It also gives the strange right of an appeal at once from the State to Federal courts, or, if the party shall prefer it, "within six months after judgment by writ of error or other process," to remove the case from a State to the Federal circuit court, there "to try and determine the facts and the law, as if the said case had been there originally commenced;" and provided further, "that no such appeal or writ of error shall be allowed where the judgment is in favor of the defendant in the State court," and if "the plaintiff is non-suited, or judgment passed against him, the defendant shall recover double costs." These amendments further provide that if the Federal judge shall certify that the defendant had probable cause to act, or acted in good faith, then, notwithstanding the jury have found otherwise, and a judgment been recovered by the plaintiff, yet no execution shall issue until after the next ensuing session of Congress; thus striking down, in effect, the trial by jury in such cases. It is further provided that an appeal shall be allowed to the defendant to the Supreme Court of the United States, "whatever may be the amount of the judgment."

Am I not authorized, Mr. Speaker, in view of these before unheard-of and most monstrous provisions of a judicial bill, to say that, while proposing to promote justice, it is simply a mean and cunning scheme, designed purposely to frustrate it.

The measure before us, so far from following the principle of the "force bill," flagrantly violates it. That "force bill" simply provided for the impartial administration of law by allowing, upon certain prescribed conditions, the transfer of jurisdiction. The principle it asserted *was supremacy of law*. It transferred only such suits as were brought to question the execution of a law. Its language is "for acts done under the revenue laws of the United States, or under color thereof."

But here the monstrous power is asserted of justifying the acts of the Executive power committed against law. The mere arbitrary will of the President, or his agents "acting under color of his authority," and despoiling the citizen of his constitutional rights, is now for the first time, to be vindicated and approved by Congress, that ought to feel insulted and outraged by such a proposition.

I need hardly add, sir, that I shall vote against these measures.

After the eloquent and exhaustive argument of my friend from Indiana, [Mr. VOORHEES,] there can be no need of further authorities to support the indefeasible title of an American citizen to that blessed writ of *habeas corpus*, which is now to be surrendered.

I beg leave only to add a single reference to that fountain of instruction, the Commentaries of Blackstone, and trust this House may be refreshed by the pure and undefiled principles of civil liberty upon the subject before us, as pronounced by this jurisprudent of a monarchy:

"Of great importance to the public is the preservation of personal liberty, for if once it were left in the power of any, the highest magistrate, to imprison arbitrarily whosoever he or his officers thought proper, there would soon be an end of all other rights and immunities. Some have thought that unjust attacks, even upon life or property at the arbitrary will of the magistrate, are less dangerous to the Commonwealth than such as are made upon the personal liberty of the subject. To bereave a man of life, or by violence to confiscate his estate without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government; and yet sometimes when the State is in real danger, even this may be a necessary measure. But the happiness of our Constitution is, that it is not left to the executive power to determine when the danger of the State is so great as to render this measure expedient; for it is the Parliament only, or legislative power that, whenever it sees proper, can authorize the Crown, by suspending the *habeas corpus* act for a short and limited time, to imprison suspected persons without giving any reasons for so doing. But this experiment ought only to be tried in cases of *extreme emergency*, and in these the nation parts with its liberty for a while in order to preserve it forever."

I repeat, with emphasis, "for a short and limited period."

Such, sir, is the doctrine of the British constitution. Is ours less free? This bill confers an absolute power on the President by his own mere will to suspend the privilege of that great writ for "such time and in such places, and with regard to such persons as, in his judg-

ment the public safety may require." Sir, for one, I prefer to enact at once that "Abraham Lincoln rules as all absolute monarch rule;" and let him declare his powers in the words:

"Sic volo sic jubeo;
Stat pro ratione voluntas."

Need I remind this House, for an illustration, of the memorable case which occurred in a British court, in which was enunciated the ideas of civil liberty which pervade the jurisprudence of that realm? An humble citizen of a British province having been arrested and imprisoned without trial by the Governor of that province, and who being sued for it in England, the defense set up was a sort of divine right, or right of military or judicial power, or all these together, lodged in the office of the Governor, and which authorized him to suspend the personal liberty of the subject by his mere will and discretion.

Such was the argument urged before that great judge, Lord Mansfield, and who rebuked it at once in the memorable declaration:

"I say that, for many reasons, if this action did not lie against any other man, it shall most emphatically lie against the Governor."

Sir, I commend to the attention of this American House of Representatives this noble judicial declaration, which throws so tenderly the sanctions of the law around the liberty of the citizen, and especially protects it against the aggressions of supreme power.

Let me add to this another but not a less glorious instruction. If the oppression of an humble subject gave rise, as history informs us, to the great writ of *habeas corpus* of Charles II, so the oppression of an upright citizen of Maryland has produced the noblest exposition of its principles.

Providence seems to have preserved the lengthened life of that illustrious judge who presides over our national judiciary, and to have added fresh vigor to his great intellect and high spirit of independence, that he might vindicate the supremacy of law amid the passions of revolution and the clash of arms.

"As some tall cliff, that lifts its awful form,
Swells from the vale, and midway leaves the storm.
Though round its breast the rolling clouds are spread,
Eternal sunshine settles on its head."

Sir, it is the pride and the consolation of Maryland, in the midst of her afflictions, that she gave both the prisoner and the judge to make the grandest exposition of the highest right of constitutional government; and the opinion in the *habeas corpus* case of Merryman will never die, while freedom lives. The spirit of the Constitution presiding in that great judicial declaration sternly forbids the passage of this bill.

But, Mr. Speaker, I turn now to different thoughts, and will attempt to illustrate the evils of this bill and show the wrongs it practically justifies. I present them with extreme repugnance, and know I cannot expect here to find much approbation of my views. They are addressed rather to my constituents, to my fellow-citizens of Maryland, and to

the friends of constitutional liberty. My own pride and the devotion I ought in this season of their oppression to cherish for the people of my State require this declaration. I wish, sir, now that public sentiment removing restraints and restoring here free speech, gives the opportunity for the first time to say what I think, and give expression to feelings that no caution can make me distrust. I wish to speak with that freedom which is my birthright, and becomes especially the duties of this place. I do so here under the shelter of the Constitution.

To this House alone am I responsible. While I do not invite the infliction of arbitrary power, I solemnly protest against and defy it. Having accepted the office of a Representative, solely in the hope of humbly aiding to preserve peace, and through it our country, when Passion, invited by the Representatives of the people, throwing down the Constitution and the laws, came here also to preside, it was then my wish, as I declared on the first day I entered this Hall, to retire from its useless, its hopeless, and mortifying scenes.

I knew that bitter hate, and resentment, and some jealousy against Baltimore, planted by studied misrepresentation at the North, and nourished and inflamed by the sinister aims of some of our own unworthy people, would proscribe me as its Representative, unless I proved subservient. The sudden unpremeditated violence of a riot, not unknown to the cities of the North, and to all large cities, was referred to a deep laid conspiracy of a whole people, and their municipal authorities, who bravely and faithfully did all that could be done, to prevent, resist, and overcome it. I but repeat the testimony of the military officers who were assailed, and also of the then Executive of Maryland, who now sits as a Senator in this Capitol. But, sir, I scorn to offer now a defense of Baltimore. The fruitless attempts that I have made to do this in every form of earnest, yet respectful effort—the now prostrate condition of that beautiful, and hospitable city, the abject spirit and degraded situation of its municipal authorities, the utter subjugation of its people, must deny any further attempt of that bitter task to me.

Sir, I prefer, and they whom I represent also prefer, to cast our disgust, contempt, defiance, upon our oppressors. Despising equally the censures or the praises of the prejudiced and the unjust, I disown for my constituents the sympathies of those who, here or elsewhere, have proved indifferent to the brutal oppressions under which they and all the manly people of Maryland have suffered; Maryland, the bright morning star of civil and religious freedom; the only spot at its settlement where, as your historian, Bancroft, exclaims, "religious liberty found its home, its only home, in the wide world."

The sacred right of suffrage being overthrown in my District, by military power, left me no refuge from the cares and vexations of this place, and I have preferred to suffer the trials and mortifications that I have endured, rather than create a vacancy to be filled by some minion of Executive power, and thus add the bitterest of humiliations to my constituents and to myself.

Sir, it is most unpleasant to dwell upon what may appear to be matters of personal concern, especially at a time when appalling national

misfortunes surround us. But it is only from their connection with public liberty, with the principles of constitutional government, that they deserve our notice.

Upon the first day that I took my seat in this Congress and claimed the privilege of vindicating my conduct from aspersions that newspaper gossip had created about a mission that I undertook, with the knowledge of the President and Gen. Scott, for the sake of peace and our Union, and to soften the horrors of a civil war, and on which a paltry spirit of prying malice had founded a proceeding to expel me from this House, how, sir, was I not treated? With what rude and clamorous injustice, and though supported by the Speaker in the scope of my remarks, I was, by a heavy vote of this House overruling his decision, forced to abandon the attempt. As affecting me personally, that proceeding was insignificant. But, sir, it was a blow struck at the Representative principle by those who had been created by its breath. How often have I not on every occasion since then been denied even the privilege of a word of explanation, and that, too, upon subjects relating exclusively to my own constituents?

How often have not my efforts to call attention to the most flagrant and admitted violations of the Constitution and laws, or the most scandalous oppressions against the rights of my constituents and State, under forms of law, been frustrated by ill-disguised malice, objecting in perverted minds! The dominating will of the majority, administering the rules of this House, and trampling into the dust the spirit of parliamentary law and the Constitution, has absolutely, in effect, disfranchised the 4th Congressional District of Maryland.

By indignant speech, by truth-bearing, yet respectful memorials, by resolutions for information, by resolutions to promote investigation, by proposing measures of legislation, by all these means have I earnestly tried to present, inquire into, or redress the most crying oppressions inflicted upon my constituents or fellow-citizens of Maryland. And how have I not approached Executive power by every form of remonstrance, intercession, or appeal consistent with my own and the dignity of the injured, calling in the aid of others, and bitterly, to the very bottom of my soul, vexing and mortifying sensibilities already too severely tried, and exhausting a patience and fortitude that nature, adding sympathy to duty, in vain attempted to supply.

Sir, all these efforts have failed, and the single right of voting, with the dignity of silence, (but not submission,) was all that remained to me of the rights, privilege, and influence of a Representative.

Mr. Speaker, Congress had scarcely adjourned its first session, and that Constitutional privilege that protects the presence of its members was no sooner gone, than that other and higher one—for what is the presence of a representative worth if free speech be denied?—that provision which gives immunity from accountability elsewhere than to this House, for the legislative actions and conduct of its members, was ruthlessly violated.

The skulking minions of power had gathered around its footstool, and whispering their falsehoods into willing ears, hoped to retrieve the

disappointments of ambition, or secure the rewards of a consuming avarice by denouncing the just, the virtuous, the independent. Informers, spies, and detectives swarming from Washington, with full license against law and liberty, surrounded the outspoken or fearless friend of his country.

Authority which had meanly prostituted itself to popular clamor had pledged "the loss of its right arm rather than raise it against a sister State of the South;" had protested with indignant words against the landing of Federal troops to desecrate the soil of the State capital, and "jestingly," it is said, inquired for men of Maryland "to kill Lincoln's men." White-livered wretches who were palsied by fear, or who fled 'at the shadows that popular tumult had cast over Baltimore; aspirants for high stations, or low places, by the help of bayonets or fraud, contractors, jobbers, and plunderers, assembling together and distorting events by the aid of a degraded press that has openly confessed its shame for having avowed an honest and manly opinion; merchants, and bankers, and men who had subscribed large sums to provide arms for the use of our city authorities, at a time of apprehended conflict with the General Government—these all together cried out, and echoed back with new born loyalty "the Union, the Union, the unconditional Union," and were forthwith hailed by an alarmed Executive as the appointed patriots of the State.

"Vipers that creep where *man* disdains to climb,
And having wound their loathsome track
To the top of this huge mouldering monument of Rome,
Hang hissing at the nobler man below."

Sir, I do not intend to include in this denunciation those citizens who, with a genuine patriotism, have sustained the Union, and yet sustain it by military coercion, however much I differ from their views. I refer only to the selfish, the malicious, the calculating actors in the sad drama of our subjugation.

Mr. Speaker, even the first in rank among the soldiers of the Republic yielded to the base contagion of arbitrary power. Sir, he who has won the triumph of a Northern renown, but not a victory, became the partner and the tool of a conspiracy against the sovereignty of a Commonwealth, ever loyal to that Constitution its sages and heroes had so greatly assisted to create and maintain, and by his order that political ruffian called "military necessity" extinguished the legislative power of Maryland, and took captive the liberties of its best citizens. The destruction of our Legislature by force of arms was the grossest act of treason against the guarantees of our Constitutional Government. It was the foulest act of tyranny ever committed. It was then known to the Federal Government that, so far from intending to pass or in any way promote an act of secession, the Legislature had absolutely declined so to do by its public proceedings. This foulest crime of our century has no pretext to cover it.

Such, sir, were the hard conditions of a soldier's service in a premeditated plot to conquer the independence of a border State, and which was first revealed by a ridiculous midnight flight designed to **awaken distrust and hostility at the North.**

The written proofs of this conspiracy exist, and will be produced in better days, when the parties implicated shall dare to deny them.

The armed agents of the Executive Government, at midnight, invaded my own home, and the homes of my fellow-citizens, and without any process or written authority whatever, forcibly arrested and conveyed a large number of our principal citizens, and State and city authorities to several military bastiles, under circumstances of restraint and treatment worse than is visited in civilized countries upon the most abandoned of convicted malefactors.

Sir, I declare that without an accusation, process or examination—nay, sir, refusing to make a charge, or hear a defense, and with no charge to this hour alleged, were these unoffending citizens shut up within the walls of a damp, and filthy casemate—the light of the sun, the open air, and exercise, all these denied—not one among us permitted to cross the threshold of our prison den, where iron bars were added to aid the bayonet of the sentinel, and prevent escape, already impossible, from the triple securities of Fortress Monroe. In vain was the offer of a prisoners parole for the sake of health within the walls of the fort; in vain remonstrance. Sir, imagination must supply the disgusting details that made this weary fortnight an imprisonment such as only beasts are subjected to. And will it be credited, when I add, that finally, remonstrance, appealing to the relic of a soldier's pride, brought out the admission from General Wool, that our treatment was so ordered by the Government at Washington.

“O! shame, where is thy blush?”

That depraved nature, which afterwards produced an atrocious order making it a crime to ask for counsel, and denounced prolonged imprisonment as the penalty for claiming this constitutional right, must answer, and the Secretary of State, stand confessed, the author of this glory.

Carried upon an unsafe steamer, then seeking repairs, these prisoners of State, barely escaping the dangers of the autumnal equinox, were thrust among the dreary cells and batteries of Fort Lafayette, crowded together like cattle in the shambles; there for months to be driven from wall to shed, from sunshine to the chilling shade, by the bayonet of the half-civilized imported soldier, until the drum, denying the solace of a poor dim candle, also hushed the voice of social intercourse, and closed the miseries of the day. But, then, sir, meditation came to the cot of the victim, and told of the empty glories of that higher aspiration “Excelsior,” and darkness, and the sovereignty of the Empire State, together sullenly brooded over the scene of this brutal tyranny. Fort Warren next claimed the custody of these devoted prisoners, and there oppression satiated itself. At length, musing exultingly over the Bay State's boasting motto in the vain words, “*Ense petit placidam sub libertate quietam*,” and having sufficiently honored the great Commonwealths of New York and Massachusetts as its chosen asylums, executive tyranny suddenly and capriciously released its victims.

Without accusation or defense, without explanation given or re-

ceived, with nothing but suffering endured by themselves, and those whom nature had bound to them on the one side, and the joys such suffering gave on the other; these citizens of a free constitutional republic were cast out abruptly from a cruel imprisonment of more than fourteen months' duration.

But, sir, if tyranny was crowned by these transactions in our free United States of America, it found no subjects to concede its realm among those just and fearless men of Maryland. Their spirit, unshaken through all the sufferings they endured, defied the terrors of their persecution. They would have preferred death to bringing any dishonor on their citizenship. Their crime consisted in standing up manfully for the constitutional rights of their State, and the demands of duty under its laws. Animated by the principles that ever support such a duty in patriotic breasts, they came out of the bastille as free, as proud in spirit, as they entered it. They attested the integrity and innocence of their actions and thoughts by spurning every offered concession to power. They could not be forced to sacrifice principle for the sake of personal liberty. It is a proud fact that many of the humblest citizens of Maryland, imprisoned all over the land, under circumstances of the utmost privation and suffering, in camps or common prisons, have maintained this noble attitude to the last. And, sir, numbers of them yet maintain it. It is the genuine spirit of American constitutional liberty. The example afforded by their firmness and constancy will go on the enduring pages of history, and invite the admiration of their countrymen, while eternal infamy awaits those who have oppressed them.

Sir, the liberating power of money had soon released the richest among these prisoners, and a good and fearless citizen, and legislator of his State, against whom the suborned press, or miscreant crew of informers, had clamored as the guiltiest traitor of them all, after a few day's confinement, walked from the prison in a mist of gold.

Another, less fortunate in the dispensations of God, had been released that he might stand at the grave of a loved and gallant brother, whose wounds received in the battles of his country, and a long hard service in its navy, had cut short his useful life. In vain, sir, did this prisoner plead for two hours' parole before he was removed from his State, that he might bid the last adieu to this dying brother, and hear from his brave lips the words of love, of blessing, and of fortitude. In vain did his well-earned claims entreat this small boon of the soul's appeal. Communicated to the authorities here in Washington, by them it was denied.

Mr. Speaker, that jailor Secretary of State, who denied this pious duty, with soul abandoned from man and God, and waking, perhaps from some debauch, heard that dying appeal only in the fall of the rattling "earth to earth," and then mocking with hypocritical compassion the most sacred feelings of the heart, moved by his order the prison to the grave.

Sir, the monuments that patriotism has raised to mark the ashes of the illustrious Gerry and Clinton, of Pinkney, and of Wirt, were the mute witnesses of this scene, and recognized there in the person of the

prisoner, a Representative whose only crime was in trying to preserve the principles of a Government they had so nobly assisted to erect, or maintain. And, although demanded over and over again, to this hour that Secretary has never signified what statute it was, or even moral obligation, that had been, or it was even suspected, might be violated. And that prisoner now declares here before the Searcher of all hearts his utter ignorance of any ground for this atrocious tyranny, unless it be found in his public acts as a member of this body.

Sir, when the efforts of a Representative are in this way met and arrested by arbitrary power; when the privileges that are sheltered here by the Constitution are thus wrested away; when reason, argument, and remonstrance are answered by the infliction of a brutal imprisonment; when the earnest, heartfelt pleadings for right, for Constitutional liberty, offered in this place, consecrated to its cause; when the soul-inspired hopes and plans of peace proposed here are answered; when the obligations of that solemn covenant administered by the Speaker's hands, when all these are answered by the ruthless privation of all privilege, of all peace, of all liberty, and when, alas, this is submitted to by the representatives of the people, and not a voice raised to protest against it, not a whisper of discontent heard, here to this hour to question it, excepting only in the eloquent effort of my honorable friend from Indiana, (Mr. VOORHEES,) just now delivered, must we not despairingly exclaim, where has the life of our republic gone, where its manhood, where its Constitution, where the spirit of independence that nourished by it, defended it, where the fidelity, the conscience pledged before God to support and protect it? Why, sir, O, why have these the only hopes to keep and bless our future of free government in the surrounding gloom, why have these forsaken us? Sir, the spirit of Democratic principle cherished in the breasts of the small circle upon this side of the House, was yet too feeble to vindicate the Constitution, thus violated in the persons of two of the member of its party. It was powerless. I repeat that it is most painful to me to present a relation of these personal incidents, and which are only deserving of notice from the violence done to my representative character.

Mr. Speaker, usurpation has done its work, and, with a sorrowing breast, I am forced to declare my conviction that the glory of our United States, its incomparable Constitution, is finally destroyed; and a centralized despotism erected upon its ruins—struck through its vitals by that Chief Magistrate, especially elected and sworn before his countrymen at this Capitol to protect and defend it. And, sir, history will add upon its enduring rolls to the name of Abraham Lincoln, the names also of those representatives of the States and of the people who have aided this unholy deed. Incapable of comprehending, or not appreciating, and utterly reckless of keeping the priceless principles of our Constitution, the fanaticism of our present rulers has ruined the grandest work of man.

The Legislature of Maryland, and local authorities of Baltimore, were, by brute force of Federal power, crushed out of existence. A legislature that declining in absolute terms to aid any plans of seces-

sion, yet, with a noble devotion, asserted its fealty to the Federal Constitution; and by denouncing its invaders, incurred the guilt of independence; a city government that having bravely met every responsibility of duty, became criminal only when it persisted in obeying the laws. Our right of suffrage was soon destroyed. A base conspiracy of men, holding and disgracing the highest civil and military stations, both at Washington and in our own State, by force of Federal power and a deliberate plan accomplished this shameful deed. I say, sir, what I do know. The fortunes of war, Mr. Speaker, sometimes make strange revelations, and truth, though crushed by the heel of one soldier, may yet arise by the sword of another.

Sir, the sovereignty of our State thus insulted, outraged and trodden into the dust, Maryland became a subjugated province, and now continues such. Not a single State right, not one constitutional guarantee remaining—not one. A faithless Governor, true only to the miserable influences that appointed him, has surrendered to military power the trusts of the high office he has usurped, and even joined in festive mirth to celebrate the transferred majesty of our laws, and welcome with applauding speech the conquering hero of his fears. The appeals of suffering or pillaged citizens pass by unheeded, and every marauding soldier, with our Governor's assent, now defies the power of the State.

A servile legislature, whose members, with a few honorable exceptions, were also the mere creatures of military power, hastened by pains and penalties to fasten the yoke upon our people, and laws against fundamental right, believed to have been dictated at Washington, now disgrace our statute-book.

The contented slaves of our people, happy until corrupted in their humble cabin homes, and satisfied under the mild and tolerant spirit that commands their labor, and provides for every want, happier, far happier than the toiling bondman of the eastern hemisphere, are forced away against their consent, in a defiant and public way by officers of rank, seeking promotion by such merit. Separated from the associations and affections of the master's family, and their own, these poor victims of the blasting civilization of the North, are seduced away from slavery only to be cast helpless and friendless upon the chance charity of their deliverers, or the brutal assaults of an affronted soldiery. Sir, the poor children of Africa have been visited by sore affliction, but this mercy of the abolitionists is the heaviest of their calamities. And it is so considered by all the intelligent among themselves; and the future will soon prove how utterly heartless is this miserable political speculation upon the destinies of the African race, and which, if it succeeds, must destroy these poor victims of its blighting care.

Sir, our slaves are enticed into camps or hospitals established all over the State, and there enforced to remain by "military protection," directed by the Federal Executive, until they are transported beyond the State, to complete this scandalous scheme of larceny.

Fugitive slaves arrested here in this District, created by the design of recent legislation, as a refuge against the obligation of the supreme law,

are no sooner committed by judicial authority to await the demand of the owner under the guarantees of the Constitution, than armed soldiers of the provost guard, by force, release and set them free. The musket has taken the place of the deed. In vain has the marshal, the friend and daily companion of the President, remonstrated against such lawlessness. Sir, this base and fraudulent scheme of robbing the people of Maryland of their property, yet goes on.

The negro slave is indeed, in some respects, the only free man in Maryland; for while military surveillance inspects the social visits of the master, and a pass alone gives him the privilege of the highway, the slave goes freely, and is aided on his way.

Restrictions on our internal trade and commerce, in palpable violation of the Constitution and repeated decisions of the Supreme Court, are established by the Department of the Treasury, and a delegated discretion to understrappers in our custom houses has inflicted and yet maintains most vexatious, burdensome, and expensive conditions upon our people. Rigorous rules that press upon an entire population are made a pretext to screen the worthless vigilance that ought to guard the lines that separate contending armies. Sir, as they are not imposed in the exercise of any military power, we must conclude they are designed simply to oppress us.

Boards of Trade, (unknown to law,) created of petty politicians, search the breasts of every man and woman, and by oaths and fees harrass each household in its demands for food or clothing, or other necessities of life, only to be obtained in Baltimore, thus assailing its prosperity and discriminating in favor of other ports and places. And even the sacred liberty of conscience is proscribed at its very birthplace on our continent, and the Catholic citizen of Maryland by "Know Nothing" officials required "to swear over the sign of the cross," after taking the usual oath on the Holy Evangelry. I have, sir, already offered to submit the conclusive evidence of this fact to a committee of this House. It cannot with truth be denied.

Our private papers have been forcibly seized and brought to Washington, and are yet detained in the State Department. Property of all kinds is seized, and carried off openly and habitually by agents of the Federal Government, or its marauding troops, and confiscations, mocking judicial authority, are pronounced by the captors themselves. In vain does the owner demand either compensation or security, or, often times, even the evidence of a receipt for it. I am now, sir, referring to seizures of the property of our citizens at their homes, and without a pretext alleged for seizing it.

Mr. Speaker, the property of our citizens has been seized under these circumstances and brought here to Washington, and after considerable portions of it had been appropriated by the agents of the United States, the residue delivered up to the owner upon payment of heavy sums as ransoms, by order of the then military governor here, one General Wadsworth. With no evidence to seize, or hold, or condemn the property after being thus pillaged, it is, at the expense of a heavy transportation to the owner, returned to him upon the payment of a sum of money, and this, with a full knowledge, by

this governor, of all the facts; and to crown this outrage, the owner was subjected to a long imprisonment in the Old Capitol prison, simply for stating these things.

Sir, not only are property and liberty thus outraged, but the securities of home are habitually invaded, and alarm carried into the bosoms of our wives and children, by the rude and violent conduct of undisciplined soldiers. I am able to state instances where such brutal visits have destroyed the lives of helpless women, or paralyzed them by premeditated alarms. What has been my own case will serve to illustrate hundreds of others more aggravated, and of frequent occurrence.

But a few days before this session of Congress begun, a vulgar ruffian, who holds the title of provost marshal of Talbot county, during my absence, with a troop of dragoons visited my country home, and planting men with weapons drawn around the house, without warrant or order, or any process, proceeded to search and open every place and portion of my premises, breaking locks and doors, and hunting every privacy of home. Neither the situation of defenceless wife and children, nor those prescriptive guards that create the castle of the home, nor the sacred injunctions of a Constitution that forbids such searches, could restrain the unlicensed powers emanating from the Secretary of War. Sir, under his general order, as it was alleged, a small pistol that another and younger brother who now sleeps in his grave, had carried fighting the enemies of his country through the war with Mexico, and that came to me as a memento of him, was seized and carried away as a trophy of this exploit, or proof of a magazine that had made my residence so terrible a place.

Sir, that search was designed as an outrage, as a menace. The miserable tool who committed it, after closing all places where stimulus was sold within the county, was soon convicted by military authority of selling, by his own hands, behind the counter of a low tavern, kept by himself, whisky to soldiers and, I believe, to negroes. Nevertheless, he remains a provost marshal of the War Department, with despotic powers. Such are the emanations of Federal authority, which have displaced our State judiciary, and now dominate over our people. Free speech, a free press—those boasts of American liberty—are prostrate in the dust. But, sir, the swaggering minions of power are licensed to speak, to print what they please, and scurrilous newspapers are even bold enough to attempt to command the action of this House against its members. The house of God, even, is invaded by military power, and the flag of our country, the symbol of civil and religious freedom, gains its first victory over the sacred rights of conscience in the hands of a Federal general in Baltimore, and a faithful minister of God is arrested and imprisoned for defending these, his inalienable rights. And even women and little children are arrested and oppressed for showing gaudy ribbons so shocking to the sensitive imaginations of a prurient loyalty. And, sir, how shall I describe the taunts, the insults, the threats, the violence, that have assailed the pride, the dignity, the helpless spirit, of our down-trodden men and women and children of Maryland. Words cannot attempt it.

Mr. BINGHAM. I desire to ask the gentleman from Maryland a question.

Mr. MAY. I yield, with pleasure, to the gentleman from Ohio.

Mr. BINGHAM. I desire to know from the gentleman to what minister he refers?

Mr. MAY. I allude to the Rev. Mr. Dashiell, of the Methodist Episcopal church.

Mr. BINGHAM. When was he arrested?

Mr. MAY. A few days ago.

Mr. BINGHAM. I desire to know from the gentleman from Maryland what this minister was arrested for?

Mr. MAY. He was arrested because he dared to remove from his own church, from his own property, where a religious society has been in the habit of worshipping God, a flag which had been surreptitiously placed there in the night by some evil-minded person.

Mr. BINGHAM. Was it the flag of the United States?

Mr. MAY. It was the flag of the United States.

Mr. BINGHAM. Does the gentleman pretend that the minister owned the church?

Mr. MAY. I affirm that fact. He has either a lease of the property or it belongs to him absolutely. It is a place where he has instructed youth during the week, and led his congregation to worship God on the Sabbath.

Mr. Speaker, I have no patience for this sort of vain flourishing of flags here. I am sick of it. I do not respect our national flag when it is planted in opposition to those divine rights of which it is a high and glorious emblem. When high advanced, sir, in the service of our country's Constitution, and to maintain its laws, it shall ever win from me the applause of my heart's heart. But when any man dares, intoxicated with notions of military power, to set up a gross tyranny in this free land, and takes that emblem to strike the sacred rights of conscience, he shall be denounced by me, although the victim of his oppression may be the humblest of my fellow-citizens.

I feel authorized, sir, to speak as I do in this case. This faithful and upright minister of the Gospel is my constituent; and I am acquainted with the circumstances of the case.

The gentleman from Ohio [Mr. BINGHAM] will find, if he takes the trouble of investigating the facts of the case, that the account I have given is correct. I have been prepared with a resolution of inquiry about this affair, and tried to offer it; and if I have an opportunity of doing so, and it be adopted, I will undertake to prove before the Committee on the Judiciary, of which the gentleman and myself are members, the facts which I relate.

Mr. Speaker, is it because we have been too weak to resist these oppressions, that we have been forced to submit to them? Sir, we are oppressed because we are defenceless.

Does a Marylander hear the recital of that infernal outrage that dragged from the bench where he was presiding, an honored and fearless judge, and, attempting his life, scattered his blood over the ermine of justice, and laid him insensible upon the floor, simply because he openly declared his respect for and claimed obedience to the Constitution?

Does any true-hearted American know that such brutality was approved

and justified by a cruel and prolonged imprisonment of that judge, inflicted by order of the Executive, with a full knowledge of the facts; and that such a wrong is yet unredressed—nay, sir, yet approved, justified, praised—and the ruffians who inflicted it are now reveling amidst the ruins of our laws and liberties, with superadded authority and force; emanating from Washington.

Sir, I repeat—does any Marylander, does any man of America, hear these things and not feel that God-inspired instinct of resistless power awakened in free hearts, that ever hath crushed despotism, and ever will?

Mr. Speaker, after this recital, let me be justified by simply repeating what is written in the Constitution, article four of the amendments:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized."

Sir, what efforts have I not made with every circumstance of respect for the dignity and rules of this House; and in every form of application attempted to gain a consideration of these heavy, insupportable grievances of Maryland; and what single one has received even the cold ceremony of a reception? Not one! But all rejected with insulting haste, or "laid upon the table," to rest there forever.

Maryland is treated here, too, as a subjugated province. Stripped of her every attribute of sovereignty, a caucus of revolutionary fanatics has appointed our rulers, and Ohio and Illinois furnished the pro-consuls of our conquered State. If the Federal Constitution had guaranteed to Maryland the curse of a despotism, instead of "a Republican form of government," its duty in this respect could not have been more faithfully kept.

But, surrounded as she is by misfortunes, it is now, and shall continue to be the glory of Maryland, that her prostrate constitution and laws, her subjugated people attest their spirit and patriotism in meeting and defying the encroachments of arbitrary power; that they were too feeble by force to oppose. With true republican pride; her citizens can repeat her noble declaration of rights, that "the doctrine of non-resistance to arbitrary power is absurd, slavish, and destructive of the peace and happiness of mankind." And, repeating it, appeal to Heaven as witness that its precious injunction has been faithfully kept, and yet abides firmly in their hearts; and I must, sir, in a spirit of admonition, now and here declare my conviction that the people of Maryland will and ought, by arms, to defend their Constitutional rights if longer trampled on, and let the bloodshed rest on the souls of the aggressors or the authority that encourages or permits their lawlessness.

Mr. Speaker, Maryland, though now prostrate, will again rise. When passion and brute force shall have passed away or be driven from her soil, and the benign genius of free government returns again to preside over her destinies, then her own people, if united and organized, will be able themselves to determine her lot. Let them be assured of

this, and also be prepared. And then, also, comes a retribution. And while we may hope that her faithless children who have stood indifferent to her fate may be forgiven, yet, sir, they must be forgotten; but those self-abasing wretches who, with paracidal hands, have helped to strike their own State's sovereignty down, shall rest in the full assurance of that day of account that must come in the sure providence of God. And, sir, instructed by the language of the present Secretary of State, addressed to my constituents in a lecture delivered by him on the 22d of December, 1848, "if a separation from the Union shall ever be necessary, let us hope that long habits of discipline and mutual affection may enable the American people to add another and final lesson on the excellence of Republics—that of dividing without violence, and re-constructing without the loss of liberty." Heaven grant that such may be the happy destiny of Maryland.

Mr. Speaker, could I be persuaded to believe that any friend of the Constitution would impute these views to feelings of a personal resentment, it would inflict upon me inexpressible pain. And, sir, could I hear that any pure-minded and pure-hearted citizen of my State—

"A brave man struggling in the storms of fate,
And greatly falling with a falling State"—

Could justly accuse me of a failure to meet the sternest demands of duty in this crisis of our national calamity, I should go, sir, to my final accountability with an embittered life. Amidst the cares and perplexities, the anxieties and excitements, that in this unhappy season of national trial have surrounded the duties of public life, we may have erred in finding or in following them. But if a disinterested love of country; if self-denial and a devotion to the duties of the Constitution and welfare of our fellow-citizens; if these have been the aims; if a readiness to incur responsibility, except that which provokes oppression, without the means to resist or redress it; if a judgment that hesitates to defy reckless power, only to inflict or prolong its sufferings upon others; if that sense of public accountability that cares for the many while sympathizing with the few, and refuses at the demand of any to resign the trust for all; if a spirit of moderation and conciliation putting aside resentment and presiding over all passion for the sake of peace, of human life, for free government, for the future of civil liberty; if, sir, these aims and motives preserving and seeking the opportunities that public confidence has bestowed to do all *practicable good*, if these cannot support and protect a representative, and preserve his name from reproach, then, not only has the Constitution failed, but man, the citizen, has also failed.

Sir, the present prostrate condition of Maryland, and the alienation of its people has been caused entirely by the lawless policy pursued by the Federal Government, and its unscrupulous agents.

Not a solitary act against law, or their Federal relations, can be justly imputed to their State authorities or to them. After an experience of two years, not one of our citizens has been even tried for such an offence.

But if such acts have been committed, the courts of the United States have never been obstructed in our State. Supported by the military power, the Federal judiciary was never so strong before in Maryland. The district attorney and marshal, selected by the President, and the latter possessing the exclusive discretion to select both the grand and petit juries, the whole power of both preventive and punitive justice was to be found in the jurisdiction of these courts.

Sir, no plea of a military necessity ever for a moment existed in Maryland. A zealous Governor supporting the Federal power, and a suple Legislature, added together the powers of both State and Federal Governments. Was not here sufficient strength to arrest and punish the citizen according to law? Has it ever been pretended that any organization existed to resist law? Sir, not one honest or true man lives in Maryland, or any where, who is not forced to believe that the oppressions of our people have been as reckless and unjustifiable, as they were cruel and cowardly.

Maryland has even been praised in reports of Secretarys, and a proclamation of the President, for the loyalty of her people, and the protection of the Constitution promised as a reward of her fealty. And yet, sir, we peceive how delusive is this new pledge. Why are the scandalous invasions, the aggressions, the restrictions, the insults, the oppressions upon our plainest rights, yet continued? Why these arrests made, why imprisonments prolonged, property seized and confiscated, commerce interdicted, our slaves removed? Is it even pretended by those who commit them, that there now exists a military necessity, or any necessity, to justify these proceedings?

Our people have been forced to associate tyranny with the exercise of Federal power. They see nothing but injustice and wrong in its acts. They believe them to be wanton, and inflicted on grounds of a personal, political, or sectional influence. They know they are unnecessary, and could easily be restrained or prevented, and are not.

Sir, we are not ignorant that allegiance and protection are mutual and reciprocal rights; and as a people fit to be free, ever should, we feel that the course of oppression inflicted upon us by the Federal Government must, if persisted in, finally absolve us from any legal or moral allegiance to it.

It is useless to deny that the people of Maryland have become alienated from the Government by the acts of Executive power. If, sir, they are to be continued, we see nothing but calamity in the future of the Federal Government—nothing but oppression in maintaining political relations with it. The hopes of civil liberty now beckon us away.

A centralized Federal system absorbing the States is now before our eyes. We see the movement of its giant limbs in the schemes of the measure now under consideration, in the plan of a national bank system, and a national guard, the conscription bill and other alarming measures. We, in Maryland, have long felt its presence in the omnipotence of executive power.

The source of our political system, a free ballot-box, has been crushed by the heel of the soldier, and our freedom of speech, our liberty of the press, our private property, our personal liberty, our personal

security, all these fundamental rights of man are overthrown. And what has been the experience of the past may be the fate of our future. The divine right of a refuge from intolerable oppression is the the common heritage of all mankind. Let no one misunderstand me. I speak here only for constitutional right, and for its sake alone declare, with a candor I ought to acknowledge, my humble views of our future. With the Constitutions, both Federal and State, as my guides, and ever profoundly anxious to preserve the blessings of law and of peace within our borders, I have earnestly tried, against both personal and political ties and associations, to support constituted authority for the sake of State sovereignty, believing from our position that the people of Maryland could only walk safely through the fires of this dreadful revolution under its authority if firmly and conscientiously administered. And while I have praised the spirit of loyalty of the Legislature that met at Frederick, (I mean, sir, the only loyalty that I respect, *loyalty to the Constitution*,) so I have sternly condemned what at the time seemed to be or were represented as its tendencies, either to establish arbitrary State power on the one hand, or to excite a sanguinary and fruitless revolution on the other. Sir, no man in Maryland has under circumstances of greater political or personal responsibility than myself, maintained the cause of the Union. No man in America would now make a more devoted sacrifice to restore it to its pristine harmony, if that were practicable. But alas, sir, it is not.

With all the love that I have been accustomed to regard our Union, for its past blessings to ourselves, and for the hopes that it has inspired to regenerate mankind, I must yet declare that our Constitution has been the only source of these blessings and these hopes. If it be lost, let the Union, then an empty sound, die away and be forgotten. Take from me, sir, the Constitution, and I will try by revolution and the help of God to save at least the eternal principles of civil liberty that His providence has bestowed.

APPENDIX.

As Mr. MAY's colleagues, Messrs. THOMAS and LEARY, who replied to his speech, declined to allow him the opportunity of correcting what he declared to be their misrepresentations—and the House of Representatives, following such example, also refused to allow Mr. MAY to be heard in reply after they had concluded, and when Mr. WICKLIFFE had yielded the floor to him for this purpose; and such refusal was a violation of the uniform practice of the House—the following proofs are offered to vindicate truth and to show that his constituents are opposed to, and elected Mr. MAY to oppose coercion.

The subjoined extracts from Mr. MAY's letter of the 5th of June, 1861, continually published before his election, shows the basis on which he became a candidate and was elected to Congress as *an opponent of military coercion*, any statements to the contrary notwithstanding:

"I profess an unconditional reverence for and obedience to the principles and authority of our Federal Constitution, which, having created our Union of States, is alone competent to maintain it.

For my reply to your first question I must be allowed to repeat the following, quoted from my letter (public) of the 14th May, authorizing my nomination:

"By a compromise, amending our Constitution, I can yet see *the paths of peace*, which, with the favor of Heaven, I intend always to point out to my countrymen and for myself *most faithfully to follow them*." The geographical position of Maryland requires her Representatives to hold the olive branch rather than the sword, and this is her honor as well as her interest. We ought upon this point to be a united people."

I have ever sternly opposed the platform of principles and hostile policy of the Republican party, and ever will with an uncompromising spirit, believing it to be a sectional and aggressive party."

Do not these explicit declarations place me *on the side of peace and compromise, and against those who prefer military coercion and a desolating war?*

Being unable to perceive any error or obscurity in this statement of my position, I can see no reason to alter it."

So much for the assertion that Mr. MAY's votes against war measures excited surprise.

The basis upon which Messrs. THOMAS and LEARY rested their speeches, the security of suffrage, and the prevailing peace, order, and contentment of our people is so notoriously unfounded as not to require evidence to disprove them. If he had been heard, Mr. MAY was prepared with conclusive evidence on these points. It has, however, been elsewhere furnished, and, as stated in Mr. MAY's speech, the whole scheme of a bold conspiracy to destroy our suffrage will be exposed at a future day in proofs that no one can even question. The quiet of Maryland "is the quiet of despotism."

It is a sufficient commentary on these speeches simply to say that the day after their delivery a distinguished public man (Mr. Vallandigham) was prevented by the open menaces of mob-violence from delivering a lecture in Baltimore "on the literature of the Bible," for the sake of charity, and the military authorities failed to satisfy the managers of the lecture of its disposition to protect him.

And to add another illustration the principal independent Journal of Baltimore has been prevented from publishing Mr. MAY's speech thro' fear of being suppressed, while the replies to it of Messrs. THOMAS and LEARY have been published in full in the newspapers supporting the Administration.

The following, copied from the Congressional Globe, (the official report of the transactions of Congress,) will serve to illustrate the oppressions of Maryland and show the dispositions of the popular branch of Congress, and may aid the future historian of Maryland:

EXTRACTS FROM MR. MAY'S SPEECH "ON THE OPPRESSIONS OF MARYLAND."

An effort having been made to expel Mr. MAY from the House of Representatives, immediately upon taking his seat in the present Congress, on the 18th July, 1861, in an indignant speech, among other things, he said :

Mr. MAY. I am more than gratified, sir, that the Judiciary Committee have, in this decisive way, condemned an unparalleled outrage on the privileges of a Representative ; and that, on an investigation, those who prompted it here, on being called before the committee to adduce their proofs, retired from the accusation, and have admitted that there was no grounds for it—not a shadow of evidence to sustain it.

What am I to say of a proceeding like this—based, as the report itself confesses it to have been, upon mere newspaper rumor ? Upon the idle gossip of the hour, a Representative of the people is to be arraigned for a grave, nay, a heinous, offense, and the attempt made to strip him of his right to a seat upon this floor. I have no words to express my indignation and disgust at this proceeding.

* * * * *

For myself, let me say, that as it affected me personally, the issue was of the lightest consequence. At the time I received notice of this accusation, it was under my consideration whether I could with honor come here and enter upon the duties of a Representative upon this floor. The humiliation that I felt at the condition of my constituents, bound in chains ; absolutely without the rights of a free people in this land ; every precious right belonging to them under the Constitution, prostrated and trampled in the dust ; military arrests in the dead hour of the night ; dragging the most honorable and virtuous citizens from their beds, and confining them in forts ; searches and seizures the most rigorous and unwarrantable, without pretext of justification ; that precious and priceless writ of *habeas corpus*, for which, from the beginning of free government, the greatest and best of men have lived and died—all these prostrated in the dust ; and hopeless imprisonment inflicted without accusation, without inquiry or investigation, or the prospect of a trial. Sir, is there a Representative of the people of the United States here in this body, acknowledging the sympathy due to popular rights and constitutional liberty, who does not feel indignant at the perpetration of these outrages ? If so, it will be the opportunity of this House promptly to redress them. The country will see whether that redress will be afforded ; we shall see whether there is not yet a redeeming spirit in our Constitution, that amid the fierce conflict of arms will yet appear like an angel of peace in this Hall, dedicated to republican freedom, to vindicate the majesty of the violated laws.

Mr. MAY. Mr. Speaker, I have spoken of some considerations looking to my presence as a Representative in this Hall. I was about to say that, in view of my own dignity, if I had alone consulted it, my own sense of the privileges and the responsibilities of a Representative here, and of my own judgment upon the transactions of this body, and the circumstances of my situation as a Representative, I should have absolutely declined to take the oath of office here, and resigned the empty honor of my seat. I would have preferred to wait to see whether the action of this body would have stricken off the chains from my constituents, and restored them fully to all their constitutional privileges.

But I am speaking also in the spirit of a citizen who owes obligations higher than these—that highest of duties which binds him to maintain the Constitution of his country. And speaking in this spirit, and under the shelter of its authority and majesty, neither by my silence nor consent shall one of its precious principles ever be stricken down, even in the person of the humblest of my constituents or my countrymen.

I complain, Mr. Speaker, of these outrages and oppressions. I denounce them as unparalleled in the history of free government ; and I call upon the Representatives of the people, if they have the manhood and spirit worthy of their country, to emancipate the down-trodden people of Baltimore from the military tyranny under which they are now groaning, and which has so utterly prostrated their constitutional liberties.

Mr. STEVENS. I move, as the sense of this House, that the gentleman is not in order. I believe it is the sense of this House that the gentleman is not in order.

The SPEAKER. The gentleman from Maryland is entitled to the floor.

Mr. STEVENS. I submit the motion, that it is the sense of this House, that the gentleman is not in order ; and I ask the Chair to put that motion to the House.

Mr. VALLANDIGHAM. I rise to a question of order. No such motion can be entertained while the gentleman is upon the floor.

The SPEAKER. The Chair cannot entertain the motion of the gentleman from Pennsylvania. The Chair has decided that he cannot determine for the gentleman from

Maryland what is a personal explanation. If the gentleman is not satisfied with that decision he can take an appeal from the decision of the Chair.

Mr. STEVENS. I take an appeal from the decision of the Chair.

Mr. VALLANDIGHAM. I move to lay the appeal on the table, and call for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 82.

So Mr. MAY was ruled out of order and compelled to take his seat.

Mr. DAWES then moved that Mr. MAY be allowed to proceed "*in order.*"

* * * * *

Mr. MAY. Sir, I must absolutely decline further to proceed if I am to be subject to this sort of interruption and restriction. I will go no further now, and must trust to the chances of an opportunity, and of being sufficiently restored to health, when the field of debate may be opened wide enough to allow me to speak my sentiments with the freedom that becomes me and the rights of my constituents. I shall proceed no further in my remarks, but content myself with the presentation of this memorial, with a request that it be referred to the Committee on the Judiciary, and be printed.

It is a memorial to the House of Representatives from the Police Commissioners of Baltimore, upon a subject most vital to the liberties of the people of the United States. It is couched in clear and candid language, and it presents both sides of the question. Full justice is done to the military authorities of the United States, who have inflicted what I consider a most unparalleled oppression. While the memorial is expressed in language respectful to the House, it is at the same time the language of independence, and comes to us in the spirit of citizens fully conscious of their constitutional rights, and resolved to claim them here. * * *

Being questioned by Mr. COLFAX, of Indiana, as to a conspiracy in Maryland,

Mr. MAY replied—

That there are thirty thousand men—ay, and more—who, unless the heel of oppression is lifted from them, will, if they can get the opportunity, vindicate their constitutional rights and liberties, is absolutely true. I proclaim it here to-day; and I will be one of the number of them, on grounds of constitutional right, and to resist tyranny and oppression—on grounds of American right—on grounds of consecrated and defined legal right. These are the grounds on which it stands. As for a conspiracy against the United States, having for its object any attempt against the Government, or the overthrow of the military authorities, the statement is absolutely preposterous. It does not now exist. It never did exist. I tell the gentleman from Indiana it never did exist. It rests upon the relation of spies and informers—those detestable miscreants who, from the beginning of the world, have been held in scorn and contempt by all honest men. Because of their imaginings and malicious falsehoods, founded upon the most malignant motives, a loyal people—a vast majority of whom are true to their duty to the Constitution of the country—are dominated over in this way, and placed under the heel of military power. I denounce the whole of it as rank, gross, unparalleled oppression. That is my answer to the gentleman from Indiana.

Now, a few words in reference to the residue of that article. I have nothing to reserve. What I may do and what I have done in this business of our unhappy national troubles is as open as the light of day. I invite the scrutiny of my countrymen upon every action of my life, and every thought in connection with our unhappy discord. Elected a Representative by the people who conferred upon me this honor by a large majority—elected upon the basis of peace, conciliation and compromise, as the only means of saving this great, prosperous and happy Government and country of ours, I stand committed to these measures; and, sir, with my life I intend to promote them, come what may come. Springing from a love of peace and for the sake of my countrymen, with a heart alive to those fraternal interests that ought to be dearest to us all, in trying to assuage those horrible calamities now impending over us, and with the hope of bringing us together once more as a happy and united people, I will go anywhere, everywhere; I say, sir, I will lay down my life for this result cheerfully. Elected upon such a platform, to serve such high and holy objects—appealing to the heart, conscience and every future accountability—I stand firm and unshaken in my convictions, and all the menaces, all the frowns, and the dominations of all the powers of the earth cannot move me from my love of peace and devotion through it to the safety of my country. Here is where I stand, and here I mean through the future to stand.

* * * * *

I wish to admit that everywhere where I have gone, I have spoken the language of denunciation of tyranny, and I mean to do it everywhere.

ARREST OF THE POLICE COMMISSIONERS OF BALTIMORE.

On the 24th of July, 1861, Mr. MAY presented, through the Judiciary Committee, this resolution of inquiry.

"Resolved, That the President be requested immediately to communicate to this House (if in his judgment not incompatible with the public interests,) the grounds, reasons, and evidence, upon which the Police Commissioners of Baltimore were arrested, and are now detained as prisoners at Fort McHenry."

NOTE.—The words in parenthesis were introduced by the Committee, and were the means of passing the resolution.

To which, on the 30th July, 1861, the President returned as follows :

The SPEAKER laid before the House a message from the President of the United States, in response to the resolution of the House of the 24th instant, asking the grounds, reasons, and evidence, upon which the Police Commissioners of Baltimore were arrested and are now detained prisoners at Fort McHenry, stating that it is judged to be incompatible with the public interest to furnish said information ; which was laid on the table, and ordered to be printed.

On the 31st July, 1861, Mr. MAY offered the following resolution :

POLICE COMMISSIONERS OF BALTIMORE.

WHEREAS, the Constitution of the United States declares that no warrant shall issue but upon probable cause, supported by oath or affirmation ; that no citizen shall be deprived of his liberty without due process of law ; and that the accused shall enjoy the right of a speedy trial by a jury of the district where the offense was committed : and whereas Charles Howard, William H. Gatchell, and John W. Davis, citizens of Baltimore, in the State of Maryland, were, on the 1st day of July, 1861, seized without warrant, and without any process of law whatever, by a body of soldiers of the Army of the United States, by order of Major General Banks, alleged to have been made in pursuance of orders issued from the Headquarters of the Army at Washington, and were removed by force, and against their will, from their homes to Fort McHenry, where they have since been confined as prisoners ; and whereas the said military officer, without warrant or authority of law, superseded and suspended the official functions of the said Charles Howard and others, members of the Board of Police of Baltimore ; and whereas, since their said arrest, a grand jury attending the United States district court in Baltimore, and selected and summoned by a marshal appointed by the present Executive of the United States, having jurisdiction in the premises, and having fully investigated all cases of alleged violation of law, has finally adjourned its session without finding any presentment, or indictment, or other proceeding, against them, or either of them ; and the President of the United States, being requested by a resolution of the House of Representatives to communicate the grounds, reasons, and evidence for their arrest and imprisonment, has declined so to do, because he is advised that it is incompatible with the public interests ; and whereas, since these proceedings, the said citizens, with others, have been, by force and against their wills, transferred by the authority of the Government of the United States beyond the State of Maryland and the jurisdiction of that court which it is their constitutional right to claim, and are to be subjected to an indefinite, a hopeless, and cruel imprisonment in some fort or military place, unfit for the confinement of the citizen, at a remote distance from their families and friends, and this without any accusation, investigation, or trial whatever ; and whereas the constitutional privilege of the writ of *habeas corpus* has been treated with contempt, and a military officer (the predecessor of General Banks) has taken upon himself the responsibility of wilful disobedience to the writ, and the privilege of the same, now continues suspended, thereby subordinating the civil to the military power, thus violating and overthrowing the Constitution of the United States, and setting up in its stead a military despotism ; and whereas the Congress of the United States regards the acts aforesaid as clear and palpable violations of the Constitution of the United States, and destructive to the liberties of a free people : Therefore,

Resolved, That the arrest and imprisonment of Charles Howard, William H. Gatchell, and John W. Davis, and others, without warrant and process of law, is flagrantly unconstitutional and illegal ; and they should, without delay, be released, or their case remitted to the proper judicial tribunals, to be lawfully heard and determined.

Mr. HUTCHINS. I move to lay the resolution on the table.

Mr. BINGHAM. I raise the question of order that the resolution is not admissible under the standing order of the House.

The SPEAKER. The gentleman from Ohio raises the question of order, that under

the standing order by which the House is confined to the consideration of bills and resolutions relating to military and naval operations, and financial questions relating thereto, and judicial questions of a general character, the resolution is not in order.

Mr. MAY. Does not that resolution relate to the operations of the Army of the United States? Is it not an allegation of the tyranny practiced under color of military authority?

The SPEAKER. The Chair does not think that such declarations on the part of the House have anything to do with the military operations of the Government.

Mr. MAY. Is it the decision of the Chair that the point of order is well taken?

The SPEAKER. The Chair so decides.

Mr. MAY. Well, I appeal from that decision.

Mr. BINGHAM. I move to lay the appeal upon the table.

Mr. STEVENS. There is another ground on which that paper is not in order. It is not in order to make a speech at this time; and that is nothing but a speech.

The resolution was then ruled out.

PROSCRIPTION OF REPRESENTATION.

On the 24th July, 1861, Mr. STEVENS, of Pennsylvania, presented and was discussing a bill relating *exclusively* to Baltimore, Mr. MAY having failed to get the floor, interrupted Mr. S. as follows:

Mr. STEVENS. I have only to say that this bill provides for the payment of the police established in the city of Baltimore by the commanding general of that division, and there is no other fund out of which they can be paid; the State of Maryland having made no provision.

Mr. MAY. Will the honorable gentleman allow me to say a word or two?

Mr. STEVENS. To ask a question.

Mr. MAY. I will limit my observations to the consideration of the question.

Mr. STEVENS. Oh no; I do not yield for observations.

Mr. MAY. I am the Representative of Baltimore.

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. MAY. I hope he will allow me to be heard upon this question.

Mr. STEVENS. I have already granted too large an indulgence for debate.

Mr. MAY. Then I can only protest, as I do solemnly, against the bill. It is a bill to provide the wages of oppression.

The SPEAKER. The gentleman from Maryland is not in order.

FUGITIVE SLAVES FROM MARYLAND.

Mr. MAY. I offer the following resolution, and demand the previous question upon it:

WHEREAS, Maryland has been proclaimed by the President of the United States to be a loyal State, and its people are entitled to the benefits and protection of the Constitution and laws of the United States. And whereas, "persons held to service and labor" in the said State, "under the laws thereof," and escaping therefrom into the District of Columbia, have been therein arrested, and after due examination by the commissioners appointed by law for that purpose, have been committed to prison within said District in order that they may delivered up "on the claim of the party to whom their service and labor may be due," according to the provisions of the Constitution of the United States. And whereas, before the opportunity has been afforded to said parties to make such claim, and immediately after the said arrest and detention, military officers, acting under the authority of the military governor or provost marshal of said District, or both, have, in many cases of such detention, demanded from the marshal of said District having such persons in custody, their release, and this without any legal warrant or process of any kind, and upon the refusal of said marshal to deliver up said persons, have, with armed bodies of soldiers, forcibly released said persons, from custody as aforesaid, and, in effect, discharged them altogether from said service and labor, and any future reclamation of the same by the parties to whom it is due, to the destruction of their rights of property and of the solemnly guaranteed rights of the people of Maryland, and in palpable violation of the Constitution and laws of the United States; Therefore,

Be it Resolved, 1. That the Committee on the Judiciary be instructed to investigate the facts and law concerning the premises, and to report the result of their investigation.

tion at an early day, together with such measures of legislation as may in the judgment of the committee be necessary to put an end to such lawless and unconstitutional proceedings.

2. That a copy of this preamble and resolutions be transmitted to the President of the United States, and that he be requested to see that the Constitution and laws be faithfully executed here, in this District, so immediately under his personal observation and official authority.

Mr. LOVEJOY. Will the gentleman from Maryland allow me to suggest an amendment?

Mr. MAY. I object.

The previous question was seconded, and the main question ordered.

Mr. S. C. FESSENDEN.—I move to lay the preamble and resolutions on the table.

Mr. MAY. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 68, nays 44.

BILL TO RELEASE ALL STATE PRISONERS.

On the 13th of March, 1862, Mr. May reported from the Judiciary Committee, "A bill to provide for the discharge of State prisoners and others, and to authorize the judges of the United States Courts to take bail or recognizances to secure the trial of the same."

This bill was designed to restore the laws to all State and some military prisoners, and it provided the means of their speedy release without other conditions than giving bail such as the judge of their own judicial district might require. It is the same bill that has given rise to so much debate in the Senate, but which has been completely changed by amendments.

The "Indemnity Bill," as arranged by the Committees of Conference, and passed into a law, in its second section, providing for the release of all State prisoners who may not be indicted, is all copied from the bill prepared by Mr. May, except the proviso requiring an oath of allegiance to the Government.

FORT WARREN PROCEEDINGS.

Mr. MAY.—I submit the following resolution, and move its adoption:

Resolved, That the Secretary of State be requested to communicate to this House a copy of an order which, on or about the 28th of November, 1861, he caused to be read to State prisoners confined in Fort Warren, whereby they were forbidden to employ counsel in their behalf, and informed that such employment of counsel would be regarded by the Government and by the State Department as a reason for prolonging the term of their imprisonment.

This was laid on the table, by yeas 63, nays 48.

CUSTOM-HOUSE IN BALTIMORE.

Mr. MAY submitted the following resolution:

WHEREAS, The Custom-House authorities of the city of Baltimore have imposed onerous and vexatious restrictions upon the internal trade and commerce of the people of Maryland among themselves, amounting in a great degree to a prohibition of the same, and discriminations are made in applying the said restrictions, by the discretion of the said authorities, of an unjust and mortifying character, and, in many instances, founded upon personal or political prejudices; and whereas, among others, it is required that citizens holding the faith of the Roman Catholic Church, as a condition of such trade and commerce, shall take and subscribe an oath discriminating against their religious faith, in the mode and ceremony of its administration, and this at a time when many thousands of soldiers holding the same faith are engaged in fighting the battles of the Government of the United States; and whereas, such discrimination is contrary to constitutional right, and is an odious reflection on the equality of religious privilege; and such restrictions are a violation of law, and a usurpation of the reserved rights of the people of Maryland exclusively to regulate and control their own internal trade and commerce, as the same has been decided by the Supreme Court of the United States, and such restrictions can only be justified, if at all, under military authority, and for reasons of military necessity—which do not exist—and the same are a manifest oppression of the people of Maryland; therefore,

Be it Resolved, 1. That the Secretary of the Treasury be requested to inform this House whether he has authorized or directed the said restrictions to be imposed; and,

if so, to communicate a copy of his authority or order for the same, and all other information in his possession relating to the same.

2. That the Committee on the Judiciary be directed to inquire into the facts and legal authority of such proceedings, with power to send for persons and papers, and to report at an early day the result of its investigations.

This resolution was laid over.

MILITARY INTERFERENCE WITH SLAVES.

Mr. MAY asked leave to offer the following resolutions :

WHEREAS, It is represented that certain military officers of the United States, stationed in Charles county, in the State of Maryland, have heretofore openly declared their purpose to set free from slavery, and remove them from said State, negro slaves owned therein under the laws thereof ; and whereas, on the 5th day of January instant, the said military officers did assemble together, by the attractions of a band of music and other influences, a large number of said slaves in said county, and did openly entice and persuade them on board of a steamer belonging to or in the service of the United States, and being at a place called Chapel Point, and did remove and transport said slaves by means of said steamer, from and beyond said State ; and whereas, one Colonel Swain, commanding a regiment called "Scott's 900," acted a conspicuous part in the premises, and the same is wanton and scandalous violation of the Constitution and laws of the United States and of the State of Maryland, and, also, of the duty of the said military officers, and a reckless aggression on the rights of the people of Maryland ; therefore,

Be it Resolved, 1. That the President be requested to cause the above allegations to be investigated, and, if found true, to bring the offenders therein to punishment, and cause the said slaves to be restored to their owners, according to his duty.

2. That the Judiciary Committee be directed to inquire into the premises and report such legislation as may be necessary.

3. That a copy of this preamble and resolution be transmitted to the President.

Mr. LOVEJOY.—I object.

The SPEAKER.—The gentleman from Maryland having offered one resolution, cannot offer a second without consent, and the gentleman from Illinois objects.

The resolution was then ruled out.

EMANCIPATION IN MARYLAND.

Mr. BINGHAM, asked leave to introduce a bill granting aid to the State of Maryland for the purpose of securing the abolishment of slavery in said State.

Mr. MAY.—I object.

RIGHTS OF CONSCIENCE.

The following is a copy of Mr. MAY's resolution, referred to in his speech :

Whereas, It is represented that Major General Schenck, commanding the forces of the United States stationed in Baltimore, Maryland, has ordered as a condition to be annexed to the worship of Almighty God, by certain religious societies or congregations of the Methodist Church of that city, that the flag of the United States "shall be conspicuously displayed" at the time and place of such worship.

And whereas, The said order is a plain violation of "the inalienable right to worship God according to the dictates of every one's conscience," as it is asserted by the said congregations, and also by our declarations of fundamental rights, and as secured by our State and Federal Constitutions.

And whereas, A minister of the said congregations, the Rev. John H. Dashiell, having, on Sunday, the 15th instant, removed the said flag from his own premises, which was also the place of worship of one of said congregations, where the said flag had been placed surreptitiously by some evil-minded person, and for so doing was arrested by order of the said General Schenck, and held as a prisoner,

Be it Resolved, That the Judiciary Committee be, and hereby is, instructed to inquire into the allegations aforesaid, and ascertain by what authority the said General Schenck exercises a power to regulate or interfere with the privileges of Divine worship, and also to arrest and detain as a prisoner the said minister of the Gospel, as aforesaid.

And, further, That said committee be instructed to report upon the same at an early day.

The above preamble and resolutions Mr. MAY in vain endeavored to offer in the

House of Representatives every day, from the 16th day of February to the end of the session.

RESTRICTIONS ON THE INTERNAL TRADE OF MARYLAND.

Mr. MAY presented a memorial on this subject from James D. McCabe, H. M. Murray, Thomas J. Hall, and others, citizens of Anne Arundel county, Maryland, and referred it to the Judiciary Committee, of which Mr. MAY is a member. That Committee referred the subject to Mr. MAY for investigation, who, after collecting all the facts, prepared an elaborate report in writing and read it to the Committee.

The principles announced in it received the approbation of Mr. PENDLETON, of Ohio, and Mr. THOMAS, of Massachusetts, members of that Committee. But a majority of the Committee refused to accept it as the report of the Committee, or to allow it to be made to the House as a minority report, or in any way to be presented to the House. The subject was strangled in the committee.

It can hardly be necessary to add that this report fully exhibited the unconstitutional, unlawful, and oppressive character of the rules and regulations imposed upon the internal commerce of the people of Maryland by the Treasury Department and Custom House authorities of Baltimore, and urged their immediate removal.

Dec 11 May

cc

Ed: W Nash Es.

44 Columbia St

New York

House of Representatives
session.

RESTRICTION

Mr. MAY presented a memorial from Thomas J. Hall, and others, in relation to the Judiciary Committee, and referred the subject to Mr. MAY. Mr. MAY prepared an elaborate report.

The principles announced by Mr. THOMAS, of Massachusetts, and the Committee refused to adopt the same. The subject was strangled.

It can hardly be necessary to say that the action of the House authorities of

The above proceedings were reported by Mr. MAY in his report to the House.



